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Docket No: AHP92038-2-C
Patent

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re of Application of: Alan R. Davis et al.
Application No.: 09/457,421 Group Art No.: 1648
Filed: December 7, 1999 Examiner: Le, Emily M.
For: RECOMBINANT ADENOVIRUS VACCINES
Confirmation No.: 7663
Customer Number: 25291

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

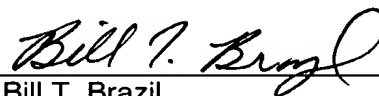
TRANSMITTAL LETTER

Enclosed please find the following documents for the above-identified application:

1. Information Disclosure Statement
2. Form PTO-1449
3. Sequence Listing
4. Sequence Listing Disk
5. Rule 821 (f) Statement

The Commissioner is hereby authorized to charge any additional fees required by this paper, including the enclosed documents, and during the entire pendency of this application and to credit any excess amounts paid to Deposit Account No. 01-1425. A copy of this letter is enclosed for use by the Deposit Account Branch.

Respectfully submitted,

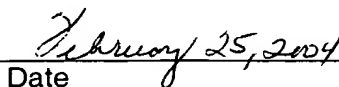


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CERTIFICATE OF MAILING 37 CFR §1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV295518663US addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.


Date


Carole K. Kamrad



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INFORMATION DISCLOSURE STATEMENT

1. Preliminary Statements

In accordance with 37 CFR 1.97 and 1.98, Applicants submit herewith patents, publications, or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56. This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) the information is material to the examination of this application; (iii) additional information material to the examination of this application does not exist; (iv) the information, protocols, results and the like reported by third parties are accurate or enabling; or (v) the information constitutes prior art to the subject invention.

CERTIFICATE OF MAILING 37 CFR §1.10

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February 25, 2004
Date

Carole K. Kamrad
Carole K. Kamrad

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2. Identification of Time of Filing

This Information Disclosure Statement

- a. ☐ is filed within three months of the filing date of the application.
- b. ☐ is filed before the mailing date of a first Office Action on the merits.
- c. ☐ is filed before the mailing date of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.
- d. ☒ is filed after the period specified in 2(a), 2(b) or 2(c) above, but before the mailing date of a final action under 37 CFR 1.311. This statement includes a certification under 37 CFR 1.97(e) or the fee set forth in 37 CFR 1.17(p).
- e. ☐ is filed after the mailing date of a final action or Notice of Allowance but before payment of the issue fee. This statement includes (i) a certification under 37 CFR 1.97(e), and (ii) the fee set forth in 37 CFR 1.17(p).

3. ☐ Certification under 37 CFR 1.97(e) and 1.704(d)
The undersigned attorney certifies

- a. ☐ that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement, or
- b. ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the statement.
- c. ☐ The undersigned attorney certifies that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign application patent office in a counterpart foreign application and was not received by any individual designated in 37 CFR 1.56(c) more than thirty (30) days prior to the filing of the statement.

☐ Newly Cited Information

A legible copy of the patents, publications or other information cited on the attached form PTO 1449 is enclosed, except that no copy of a pending U.S. application is enclosed, and if this patent application was filed or entered the national stage after June 30, 2003, no copy of a U.S. patent or U.S. patent application publication is enclosed.

☒ Previously Cited Information

No copy of the patents, publications or other information cited on the attached form PTO-1449 is enclosed because it has been previously cited by or submitted to the Office in a prior application which is relied upon for an earlier filing date under 35 USC 120.

Prior application is Application Number 08/276,289, filed on July 20, 1994, now abandoned, which is a continuation-in-part of application number 08/105,232, filed August 11, 1993, now abandoned, which is a continuation-in-part of application number 07/926,491, filed August 07, 1992, now abandoned.

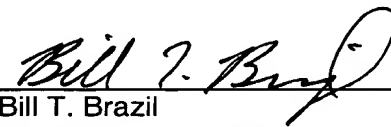
- ☐ Concise Explanation
Documents cited above which are not in the English Language
- a. ☐ have been explained in the specification.
- b. ☐ have an abstract (or other concise explanation) in English enclosed or if readily available a translation into English of the document is enclosed.

Form PTO-1449 is enclosed in duplicate.

- ☒ Fees
- ☒ Fee for filing under 37 CFR 1.97(c) or (d) Fee: \$180.00

Method of Payment of Fees:
Charge Deposit Account No. 01-1425 in the amount of \$180.00
A duplicate of this statement is enclosed.

Instructions as to Overpayment/Underpayment:
Credit any overpayment and charge any underpayment to Deposit Account No. 01-1425.



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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
Application Number				09/457,421	
Filing Date				December 7, 1999	
First Named Inventor				Alan R. Davis	
Group Art Unit				1648	
Examiner Name				Le, Emily M.	
Attorney Docket Number				AHP92038-2-C	
Sheet 1 of 2					

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number (If known)	Kind Code (If Known)			
	1.	4920209		Davis et al.	04-24-90	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	Number	Kind Code (If Known)				
	2.	EPO	80806	A1	Research Corporation	06-08-1983		<input type="checkbox"/>
	3.	PCT	WO83/02393	A1	Animal Vaccine Research Corporation	07-21-1983		
	4.	UK	GB2166349	A	American Home Products Corporation	05-08-1986		
	5.	PCT	WO91/13909	A1	Proteus Molecular Design LTD.	09-19-1991		

OTHER PRIOR ART — NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T
	6.	R. J. NATUK, Vaccine Res., 1992, 1:275	<input type="checkbox"/>
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Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Substitute for form 1449/PTO			Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Application Number	09/457,421	
			Filing Date	December 7, 1999	
			First Named Inventor	Alan R. Davis	
			Group Art Unit	1648	
			Examiner Name	Le, Emily M.	
Sheet	2	of	2	Attorney Docket Number	AHP92038-2-C

OTHER PRIOR ART — NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.		
	37.	R. C. DESROSIERS, Proc. Natl. Acad. Sci. USA, 1989, 86:6353		
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	44.	R. J. NATUK <i>et al.</i> , Vaccine Research, 1992, 1:275		
	45.	R. J. NATUK <i>et al.</i> , Recombinant Vectors in Vaccine Dev., Brown ed., 1994, 82:71		
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	53.	R. J. NATUK <i>et al.</i> , Dev. Biol. Stand., 1995, 84:153-156		

Examiner Signature		Date Considered	
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